



ANIMAL MATTERS HEARING BOARD

Prince Frederick, Maryland

MEETING NOTICE

The Animal Matters Hearing Board (AMHB) held its monthly meeting on *Wednesday, September 9, 2020*, at 6:30 p.m. using a Zoom virtual platform.

Members:	Charles A. Bucy	Absent	Thomas S. Phelps	Absent
	Laurel M. Matthews	Present	Helen A. Prince	Present
	Karen D. Maxey	Present	Jacque Wisnauskas	Present

Clerk: Francie Rose, Executive Administrative Aide, Public Safety

Staff: Jacqueline Vaughan, Public Safety Director
Crystal Dowd, Deputy Director of Animal Services, Public Safety
Pamela R. Lucas, Associate County Attorney, County Attorney's Office
Danielle Dickerson, Volunteer & Rescue Coordinator, Public Safety, Moderator

OPEN MINUTES

General Business & Administrative Matters

1. Meeting was called to order at 6:30 p.m.
2. Quorum was determined.
3. Open minutes from August 26, 2020 were reviewed and approved unanimously by all members in attendance without comment upon motion by Helen A. Prince, seconded by Jacqueline Wisnauskas.
4. Open agenda was reviewed and approved unanimously by all members in attendance without comment upon motion by Laurel M. Matthews, seconded by Jacqueline Wisnauskas.

Hearings:

1. Case No. 20-11555 – Vasquez/Hernandez – Carrie Vasquez appealed her dog, Kopper, being placed on the Potentially Dangerous Animal List as a result of an incident that occurred on February 27, 2020.
 - Present were Timothy Lewis, Animal Control Bite Investigations Officer, and Carrie Vasquez, Appellant. The victim was not present. All parties present were sworn in by the Associate County Attorney during the hearing, prior to providing testimony.
 - Exhibits 1 and 2, received from Carrie Vasquez, were presented for acceptance into the record by the Board. Upon a motion made by Helen A. Prince and seconded by Jacqueline Wisnauskas, the Board voted unanimously to admit all presented exhibits into the record, without further discussion.
 - ACO Lewis submitted the case file for the record and read the account of what happened on February 27, 2020 into the record. The incident occurred at a bus stop location near the home of Ms. Hernandez. The incident was reported to the Animal Control Division on February 27, 2020. On that day, ACO Lewis took a report from Ms. Hernandez. On March 3, 2020, ACO Lewis made contact with Ms. Vasquez and obtained her statement. Ms. Vasquez then gave her account of what occurred. A motion was made, and passed unanimously by all in attendance, to enter into Executive Session to

deliberate pursuant to the *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The Board returned to open session and rendered its decision that the evidence presented and testimony given does not support the finding that Kopper is Potentially Dangerous, and that Kopper should be removed from the Potentially Dangerous Animal List.

2. Case No. 20-25967 – Dunphy/Sweeney – Mr. Dunphy was not present. As a courtesy, he was contacted and respectfully requested a continuance. A continuance was approved unanimously by all board members without comment upon a motion made by Karen D. Maxey and seconded by Jacqueline Wisnaukas. The case will be heard at the next regular meeting, scheduled for October 14, 2020.
3. Case No. 20-25307 – Mitchell/Mitchell – Aundre and Joy Mitchell appealed their dog, Buddy, being placed on the Dangerous Animal List as a result of an incident that occurred on May 18, 2020.
 - Present were Timothy Lewis, Animal Control Bite Investigations Officer, and Joy Mitchell, Appellant. The victim was not present. All parties present were sworn in by the Associate County Attorney during the hearing, prior to providing testimony.
 - ACO Lewis submitted the case file for the record and read the account of what happened on May 18, 2020 into the record. The incident occurred at the Mitchell home, at 11735 Sidewinder Lane, Lusby, Maryland. The incident was reported to the Animal Control Division on May 18, 2020. On that day, ACO Katy Rosche took a report from Ms. Mitchell, and ACO Lewis took a report from Mr. Mitchell. On June 3, 2020, ACO Lewis made contact with Ms. Vasquez and obtained her statement. A Board member had a question for ACO Lewis, and an answer was provided. Ms. Mitchell then gave her account of what occurred. A motion was made, and passed unanimously by all in attendance, to enter into Executive Session to deliberate pursuant to the *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The Board returned to open session and rendered its decision that the evidence presented and testimony given supports the finding that Buddy is Dangerous, and that Buddy should remain on the Dangerous Animal List.
4. Case No. 20-25711 – Gatton/McCoy – Emily Gatton appealed her dog, Drake, being placed on the Dangerous Animal List as a result of an incident that occurred on June 4, 2020.
 - Present were Timothy Lewis, Animal Control Bite Investigations Officer, and Emily Gatton, Appellant. The victim was not present. All parties were sworn in by the Associate County Attorney during the hearing, prior to providing testimony.
 - ACO Lewis submitted the case file for the record and read the account of what happened on May 20, 2020 into the record. The incident occurred along Golden West Way, Lusby, Maryland. The incident was reported to the Animal Control Division on May 20, 2020. On that day, ACO Katy Rosche took a report from the victim, Mr. Blake McCoy. On June 2, 2020, ACO Lewis took a report from Ms. Emily Gatton. Ms. Gatton gave her account of what occurred. A Board member asked a question of Ms. Gatton and an answer was provided. A motion was made, and passed unanimously by all in attendance, to enter into Executive Session to deliberate pursuant to the *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The Board returned to open session and rendered its decision that the evidence presented and testimony given supports the finding that Drake is a potentially dangerous animal and that Drake should remain on the Potentially Dangerous Animal List.

Old Business

None

New Business

None

Ongoing Business/Other Items for discussion

None

PSA Announcements

None

Announcements

- The AMHB will hold regular monthly meetings on the second Wednesday of each month; this regular schedule has also been duly advertised. Information and agendas for all meetings forward may be found on the AMHB webpage: <http://www.co.cal.md.us/index.aspx?nid=2154>.

Recess, subject to Motion of Privilege for Closed Meeting:

- Motion made by Laurel M. Matthews at 6:40 p.m., seconded by Jacque Wisnauskas, all board members present in favor, none opposed, to enter into closed session to discuss an investigative proceeding pursuant to *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The first closed session was adjourned at 6:44 p.m. and the AMHB returned to open session.
- Motion made by Helen A. Prince at 6:56 p.m., seconded by Jacqueline Wisnauskas, all board members present in favor, none opposed, to enter into closed session to discuss an investigative proceeding pursuant to *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The second closed session was adjourned at 7:05 p.m. and the AMHB returned to open session.
- Motion made by Helen A. Prince at 7:16 p.m., seconded by Laurel M. Matthews, all board members present in favor, none opposed, to enter into closed session to discuss an investigative proceeding pursuant to *General Provisions Article*, §3-305(b)(12) of the Annotated Code of Maryland. The third closed session was adjourned at 7:23 p.m. and the AMHB returned to open session.

Adjournment:

Upon motion made by Jacqueline Wisnauskas and seconded by Laurel M. Matthews, the Board voted unanimously by all in attendance to adjourn the regular meeting at 7:29 p.m.

The next regular meeting is scheduled for Wednesday, October 14, 2020, at 6:30 p.m.

Adopted on the _____ day of _____ 2020 – minutes transcribed by Francie Rose.

Signed Helen A Prince Date Oct 20, 2020

Signed [Signature] Date 10/29/2020



**DEPARTMENT OF PUBLIC SAFETY
ANIMAL MATTERS HEARING BOARD**
INTEROFFICE MEMORANDUM

TO: File
FROM: Frances E. Rose, Clerk to Animal Matters Hearing Board
DATE: September 9, 2020
SUBJECT: September 9, 2020

At 6:40 p.m., Wednesday, September 9, 2020, four (4) Animal Matters Hearing Board (AMHB) members present voted to enter into Executive Session to discuss an investigative proceeding on actual or possible criminal conduct pursuant to *General Provisions Article, §3-305(b)(12)* of the Annotated Code of Maryland. The Executive Session was held via a secured Zoom virtual platform.

Those persons attending the closed session included four (4) of the AMHB members present, the Public Safety Director, the Deputy Director of Animal Services, the Clerk to the AMHB, and the Associate County Attorney.

Upon consideration of the evidence and testimony taken at the Dangerous Animal Designation Appeals Hearing, said appeal filed by Carrie Vazquez, a motion was made by Laurel M. Matthews, seconded by Helen A. Prince, and passed unanimously by the AMHB members present, to grant Ms. Vasquez's appeal and remove "Kopper" from the Potentially Dangerous Animal List without further discussion, before recessing at 6:44 p.m. to return to open session.

ANIMAL MATTERS HEARING BOARD

Written Statement for Closing a Meeting under the Open Meetings Act

Date: 09-09-2020 Time: 6:40pm Location: Virtual

Motion to close meeting by: Laurel M. Matthews Seconded By: Jacqueline Wisnauskas

Vote to Close Session:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ATTENDING</u>
Charles Bucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laurel Matthews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Maxey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Phelps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Prince	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jacque Wisnauskas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

- ☐ (1) **Personnel matters:** to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- ☐ (2) **Privacy or reputation:** to protect the privacy or reputation of individuals concerning a matter not related to public business;
- ☐ (3) **Real property acquisition:** to consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☐ (4) **Business location:** to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ (5) **Investment of public funds:** to consider the investment of public funds;
- ☐ (6) **Marketing of public securities:** to consider the marketing of public securities;
- ☐ (7) **Legal advice:** to consult with counsel to obtain legal advice on a legal matter;
- ☐ (8) **Pending or potential litigation:** to consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ (9) **Collective bargaining:** to conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ (10) **Public security:** to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- ☐ (11) **Scholastic, licensing, and examination:** to prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- ☐ (12) **Investigate proceeding regarding criminal conduct:** to conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- ☐ (13) **Other law:** to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- ☐ (14) **Procurement:** before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECK ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED

§3-305(b) (12) to conduct or discuss an investigative proceeding on actual or possible criminal conduct. (This violation is a misdemeanor.)

§3-305(b) () _____

Additional persons attending closed session: Jackie Vaughan, Public Safety Director, Crystal Duvall, Dep. Director of Animal Services, Pam Lucas, Assoc. County Attorney, Francie Rose, Exec. Admin aide

This statement is made by Karen M. Maxey, Chair, Presiding Officer Karen M. Maxey
 Print Name and Title Signature

***** FOR USE IN MINUTES OF NEXT REGULAR OPEN MEETING *****

Time Closed Session Adjourned 6:44pm



**DEPARTMENT OF PUBLIC SAFETY
ANIMAL MATTERS HEARING BOARD**
INTEROFFICE MEMORANDUM

TO: File
FROM: Frances E. Rose, Clerk to Animal Matters Hearing Board
DATE: September 9, 2020
SUBJECT: September 9, 2020

At 6:56 p.m., Wednesday, September 9, 2020, four (4) Animal Matters Hearing Board (AMHB) members present voted to enter into Executive Session to discuss an investigative proceeding on actual or possible criminal conduct pursuant to *General Provisions Article, §3-305(b)(12)* of the Annotated Code of Maryland. The Executive Session was held via a secured Zoom virtual platform.

Those persons attending the closed session included four (4) of the AMHB members present, the Public Safety Director, The Deputy Director of Animal Services, the Clerk to the AMHB, and the Associate County Attorney.

Upon consideration of the evidence and testimony taken at the Dangerous Animal Designation Appeals Hearing, said appeal filed by Aundre and Joy Mitchell, a motion was made by Helen A. Prince, seconded by Jacqueline Wisnauskas, and passed unanimously by the AMHB members present, to deny Mr. and Mrs. Mitchell's appeal without further discussion, before recessing at 7:05 p.m. to return to open session.

ANIMAL MATTERS HEARING BOARD

Written Statement for Closing a Meeting under the Open Meetings Act

Date: 09-09-2020 Time: 6:56pm Location: Virtual

Motion to close meeting by: Helen A. Prince Seconded By: Jacqueline Wisnauskas

Vote to Close Session:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ATTENDING</u>
Charles Bucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laurel Matthews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Maxey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Phelps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Prince	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jacque Wisnauskas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

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- ☐ (3) **Real property acquisition:** to consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☐ (4) **Business location:** to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ (5) **Investment of public funds:** to consider the investment of public funds;
- ☐ (6) **Marketing of public securities:** to consider the marketing of public securities;
- ☐ (7) **Legal advice:** to consult with counsel to obtain legal advice on a legal matter;
- ☐ (8) **Pending or potential litigation:** to consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ (9) **Collective bargaining:** to conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ (10) **Public security:** to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
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FOR EACH CITATION CHECK ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED

§3-305(b) (12) to conduct or discuss an investigative proceeding on actual or possible criminal conduct. (This violation is a misdemeanor.)

§3-305(b) () _____

Additional persons attending closed session: Jackie Vaughan, Public Safety Director, Crystal Duval, Dep. Director, Animal Services, Pam Lucas, Associate County Attorney, Frances Rose, Exec. Admin. Aide.

This statement is made by Karen D. Maxey, Chair, Presiding Officer Karen D. Maxey
 Print Name and Title Signature

***** FOR USE IN MINUTES OF NEXT REGULAR OPEN MEETING *****

Time Closed Session Adjourned 7:05pm



**DEPARTMENT OF PUBLIC SAFETY
ANIMAL MATTERS HEARING BOARD**
INTEROFFICE MEMORANDUM

TO: File
FROM: Frances E. Rose, Clerk to Animal Matters Hearing Board
DATE: September 9, 2020
SUBJECT: September 9, 2020

At 7:16 p.m., Wednesday, September 9, 2020, four (4) Animal Matters Hearing Board (AMHB) members present voted to enter into Executive Session to discuss an investigative proceeding on actual or possible criminal conduct pursuant to *General Provisions Article, §3-305(b)(12)* of the Annotated Code of Maryland. The Executive Session was held via a secured Zoom virtual platform.

Those persons attending the closed session included four (4) of the AMHB members present, the Public Safety Director, The Deputy Director of Animal Services, the Clerk to the AMHB, and the Associate County Attorney.

Upon consideration of the evidence and testimony taken at the Dangerous Animal Designation Appeals Hearing, said appeal filed by Emily Gatton, a motion was made by Helen A. Prince, seconded by Laurel M. Matthews, and passed unanimously by the AMHB members present, to deny Ms. Gatton's appeal without further discussion, before recessing at 7:23 p.m. to return to open session.

ANIMAL MATTERS HEARING BOARD

Written Statement for Closing a Meeting under the Open Meetings Act

Date: 09-29-2020 Time: 7:16 pm Location: Virtual

Motion to close meeting by: Helen A. Prince Seconded By: Laurel Matthews

Vote to Close Session:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ATTENDING</u>
Charles Bucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laurel Matthews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Maxey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Phelps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Prince	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jacque Wisnaukas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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FOR EACH CITATION CHECK ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED

§3-305(b) (12) to conduct or discuss an investigative proceeding on actual or possible criminal conduct. (This violation is a misdemeanor.)

§3-305(b) () Jackie Vaughan, Public Safety Director, Crystal Duval, Dep. Director, Animal Services, Pam Lucas, Associate County Attorney, Frances Rose, Exec. Admin. Aide.

Additional persons attending closed session: _____

This statement is made by Karen D. Maxey, Chair, Presiding Officer Karen D. Maxey

Print Name and Title Signature

***** FOR USE IN MINUTES OF NEXT REGULAR OPEN MEETING *****

Time Closed Session Adjourned 7:23 pm